

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

AMERICAN MEDICAL SYSTEMS, INC. and
LASERSCOPE,

Plaintiffs,

v.

BIOLITEC, INC.,

Defendant.

Civil Action No. 3:07-CV-30109-MAP

AMERICAN MEDICAL SYSTEMS, INC. and
LASERSCOPE,

Plaintiffs,

v.

BIOLITEC, INC., BIOLITEC AG,
CERAMOPTEC INDUSTRIES, INC.,
CERAMOPTEC GmbH, ANDAOPTEC, LTD.,
and BIOLITEC SIA,

Defendants.

Civil Action No. 3:08-CV-30061-MAP

**STIPULATION AND [PROPOSED] ORDER EXTENDING STAY
OF LITIGATION TO FACILITATE SETTLEMENT NEGOTIATIONS**

Plaintiffs American Medical Systems, Inc. and Laserscope (collectively “AMS”) and Defendants biolitec, Inc., *et al.* (collectively “biolitec”) jointly submit this stipulation:

WHEREAS, on July 1, 2011, the Court Ordered that the above-captioned actions be stayed until August 19, 2011 to facilitate settlement discussions (D.I. #122 in Civil Action No. 3:07-CV-30109-MAP; D.I. #259 in Civil Action No. 3:08-CV-30061-MAP);

WHEREAS, during the stay period, the parties exchanged settlement proposals and engaged in good faith settlement negotiations;

WHEREAS, the negotiations have narrowed issues and have resulted in progress towards settlement;

WHEREAS, settlement negotiations between the parties are ongoing;

WHEREAS, the parties jointly wish to continue to pursue good faith settlement negotiations without incurring the substantial costs that would be incurred by further proceeding with fact discovery and additional motion practice;

WHEREAS, the parties have agreed to extend the stay imposed by this Court's July 1st Order until September 19, 2011, and adjust the remainder of the case schedule accordingly; and

IT IS HEREBY STIPULATED, by and between the parties, and through their respective attorneys of record, subject to the approval of the Court that:

- (1) This litigation is stayed, including all discovery, until September 19, 2011, to allow the parties to continue to explore settlement without incurring the substantial litigation expenses that would otherwise be incurred absent a stay;
- (2) In the event that this matter does not settle, at the expiration of the stay, this litigation shall resume upon the following schedule as set forth below:

EVENT	CURRENT DATE	REVISED DATE
EXPIRATION OF STAY	August 19, 2011	September 19, 2011
CLOSE OF FACT DISCOVERY	October 14, 2011	November 14, 2011
OPENING EXPERT REPORTS	November 4, 2011	December 5, 2011
REBUTTAL EXPERT REPORTS	November 18, 2011	December 19, 2011
EXPERT DEPOSITIONS COMPLETE	February 3, 2012	March 5, 2012

SUMMARY JUDGMENT BRIEFS	February 24, 2012	March 26, 2012
OPPOSITION SUMMARY JUDGMENT BRIEFS	March 16, 2012	April 16, 2012
REPLY TO SUMMARY JUDGMENT BRIEFS	March 30, 2012	April 30, 2012
SUMMARY JUDGMENT HEARING	To be determined by the Court	To be determined by the Court

- (3) The other provisions of this Court's July 1st Order in the above-captioned actions are not affected by this Stipulation and [Proposed] Order.

In view of the foregoing, the parties respectfully request that the Court enter the Order in the form submitted herewith.

Respectfully submitted,

Dated: August 31, 2011

/s/ Leland G. Hansen

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Dated: August 31, 2011

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Attorneys for Defendants

IT IS SO ORDERED,

Dated: Sept. 6, 2011



Honorable Michael A. Ponsor
United States District Judge

CERTIFICATE OF SERVICE

I certify that, on August 31, 2011, a true copy of this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic filing (NEF) and paper copies will be sent to those indicated as non-registered participants

/s/ Erik P. Belt

Erik Paul Belt